

The House Committee on Public Safety & Homeland Security offers the following substitute to SB 125:

A BILL TO BE ENTITLED
AN ACT

To amend Article 9 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to speed restrictions, so as to modify provisions relating to speed restrictions; to provide for definitions; to specify that instruments charging violations of speed regulations shall state whether the violation occurred on a two-lane road or highway; to provide for additional fees and penalties to be administered and collected by the Department of Driver Services for certain traffic offenses; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 9 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to speed restrictions, is amended by revising subsection (a) of Code Section 40-6-187 to read as follows:

"(a) In every charge of violation of any speed regulation in this chapter, the summons, uniform traffic citation, official charging instrument, or notice to appear shall specify the speed at which the defendant is alleged to have driven, ~~and also~~ the maximum speed applicable within the district or at the location, and also whether the violation occurred on a two-lane road or highway. For purposes of this article, the term 'two-lane road or highway' means roads or highways with two lanes for through-traffic movement exclusive of any portion of the road or highway adjoining the traveled way for parking, speed change, turning, weaving, truck climbing, or other purposes supplementary to through-traffic movement."

SECTION 2.

Said article is further amended by adding a new Code section to read as follows:

1 "40-6-189.

2 (a) As used in this Code section, the term 'department' means the Department of Driver
3 Services.

4 (b) In addition to any other fines or penalties imposed by any local jurisdiction or the
5 department, the department shall administer and collect separate fees for the following
6 traffic offenses:

7 (1) Any driver who is convicted of driving at a speed of 85 miles per hour or more on
8 any road or highway in Georgia or 75 miles per hour or more on any two-lane road or
9 highway in Georgia, as defined in Code Section 40-6-187, shall be classified as a 'super
10 speeder,' and a separate fee of \$100.00 shall be imposed;

11 (2) Any driver who has his or her driver's license or driving privileges suspended
12 pursuant to the provisions of subparagraph (c)(1)(B) of Code Section 40-5-57 or
13 suspended for points pursuant to the provisions of Code Section 40-5-57.1 shall, upon
14 application for reinstatement, be subject to a separate fee of \$100.00;

15 (3) Any driver who has his or her driver's license or driving privileges suspended in
16 whole or in part for a conviction for any of the following traffic violations shall, upon
17 application for reinstatement, be subject to a separate fee of \$300.00:

18 (A) Driving a commercial vehicle with a blood alcohol concentration of 0.04 percent
19 or greater under Code Section 40-5-151;

20 (B) Racing under Code Section 40-6-186;

21 (C) Leaving the scene of an accident under Code Section 40-6-270;

22 (D) Driving under the influence under Code Section 40-6-391;

23 (E) Feticide by vehicle under Code Section 40-6-393.1;

24 (F) Homicide by vehicle under Code Section 40-6-393;

25 (G) Serious injury by vehicle under Code Section 40-6-394; or

26 (H) Fleeing from or attempting to elude a police officer under Code Section 40-6-395;

27 (4) Any driver who has been declared a 'habitual violator' pursuant to Code Section
28 40-5-58 shall be subject to a separate fee of \$300.00, payable upon application for a
29 regular driver's license. This paragraph shall not alter the fines and penalties due upon
30 application for a probationary license as provided for in Code Section 40-5-58; and

31 (5) Any driver who accumulates seven or more points under Code Section 40-5-57 shall
32 be subject to a separate \$100.00 fee. The fee prescribed in this paragraph shall be
33 assessed upon reaching the enumerated point level range. If a driver's points are reduced
34 by operation of law, but the driver then reaches the enumerated point level range again,
35 the fee prescribed in this paragraph shall be reassessed.

1 (c) The department shall notify offenders of the imposition of an additional fee under this
2 Code section within 30 days after receipt of a qualifying ticket, notice of conviction, or
3 issuance of a license or driving privileges suspension.

4 (1) Failure to pay the additional fees imposed by this Code section within 90 days after
5 receipt of the notice shall result in the suspension of the driver's license or driving
6 privileges of the offender, and, in addition to the existing fees and penalties, a fee of
7 \$50.00 shall be assessed, payable upon the application for reinstatement of the driver's
8 license or driving privileges.

9 (2) Notice shall be provided by the department to the offender by first-class mail to the
10 address shown on the records of the department. Such mailed notice shall be adequate
11 notification of license or driving privileges suspension, any fee imposed by this Code
12 section, and of the offender's ability to avoid suspension by paying such fee prior to the
13 effective date of the suspension. No other notice shall be required to make the suspension
14 effective.

15 (d) A court having jurisdiction over cases arising out of the traffic laws of this state or the
16 traffic laws of any county or municipal government shall have discretion to lessen or
17 modify a traffic law charge or fee set out in this Code section.

18 (e) The department shall be authorized to promulgate rules and regulations to implement
19 the provisions of this Code section.

20 (f) All fees collected under the provisions of this Code section shall be deposited in the
21 general fund of this state with the intent that these moneys be used to fund trauma care
22 systems in Georgia and the direct and indirect costs associated with the administration of
23 this Code section. The Office of Treasury and Fiscal Services shall separately account for
24 all of the moneys received under the provisions of this Code section.

25 (g) Before any provisions of this Code section shall be enforced within a county or
26 municipality, there shall be erected signs on any road or highway on which the provisions
27 of this Code section are enforced. Signs shall be designed and erected by the Governor's
28 Office of Highway Safety or its designee. Signs shall be erected at that point on such road
29 or highway where a driver enters into the county, and signs may be erected at other
30 locations required by the Department of Transportation. Such signs shall be at least 40
31 inches by 40 inches in measurement and shall notify motorists entering a county that
32 increased fines may be imposed for excessive speed. No such charge shall be made against
33 a motorist within 500 feet of any such notification sign erected pursuant to this subsection.

34 (h) A speeding violation under this Code section shall only be made where a determination
35 of speed is based on the use of a radar or laser speed detection device authorized by
36 Article 2 of Chapter 14 of Title 40 of the Official Code of Georgia Annotated."

2 This Act shall become effective on January 1, 2009.

4 All laws and parts of laws in conflict with this Act are repealed.